APPENDIX

APPENDIX

[Filed on March 17, 1955]

IN THE UNITED STATES COURT FOR THE DISTRICT OF COLUMBIA

Findings of Fact and Conclusions of Law

This cause came on for trial and was tried before the Court without a jury on March 14 and 15, 1955, and the Court, having considered all of the evidence presented by the parties and having heard oral argument on behalf of each of the parties and being fully advised in the premises, makes the following:

FINDINGS OF FACT

1. The defendant was not negligent in any respect in his representation of the plaintiff in the case of Terry v. Pace, Civil Action No. 4059-51 in this Court and No. 11744 in the United States Court of Appeals for the District of Columbia Circuit.

2. The defendant performed fully and faithfully his duty and obligation to the plaintiff under his employment contract for representation of the plaintiff in connection with the case identified in Finding No. 1 above.

3. The plaintiff suffered no damage by reason of any conduct of the defendant in the course of his representation of her in the case identified in Finding No. 1 above.

CONCLUSIONS OF LAW

From the foregoing Findings of Fact, the Court concludes that the plaintiff is not entitled to recover and, therefore, that the complaint should be dismissed with prejudice.

F. DICKINSON LETTS
Judge

Judgment of Dismissal

This case came on for trial and was tried before the Court without a jury on March 14 and 15, 1955, and the Court having made its findings of fact and conclusions of law against the plaintiff and in favor of the defendant, it is this 16th day of March, 1955,

ORDERED that the complaint in this case be and hereby is dismissed with prejudice and with costs against the plaintiff.

F. DICKINSON LETTS
Judge

Filed July 15, 1955

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12,698

MAY TERRY, *Appellant,*

v.

KEITH L. SEEGMILLER, *Appellee.*

Before: Edgerton, Chief Judge, Bazelon and Washington, Circuit Judges, in Chambers.

Order

This case came on to be heard on the transcript of record from the United States District Court and on appellee's motion to affirm the judgment of the District Court and to dismiss appeal; said motion was argued by counsel for appellee and by appellant pro se.

Upon consideration whereof, and upon consideration of the report of amicus curiae appointed by this Court herein, it is

ORDERED by the Court that this appeal be, and it is hereby, dismissed with costs.

Dated: July 15, 1955 *Per Curiam.*

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Filed September 30, 1955

Order

Upon consideration of appellant's petition for reconsideration of the order entered herein July 15, 1955, of appellee's memorandum in opposition thereto, and of appellant's answer to appellee's memorandum, it is

ORDERED by the Court that the aforesaid appellant's petition be, and it is hereby, denied.

Per Curiam.

Dated: September 30, 1955

STATUTE

Title 28, U.S.C.

Section 1254: Courts of Appeals; certiorari; appeal, certified questions

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree:

FEDERAL RULES OF CIVIL PROCEDURE

Rule 52. Findings by the Court

(a) EFFECT. In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon and direct the entry of the appropriate judgment; and in granting or refusing interlocutory injunctions the the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds of its action. Requests for findings are not necessary for purposes of review. Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses. The findings of a master to the extent that the court adopts them, shall be considered as the findings of the court. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact and conclusions of law appear therein. Findings of Fact and Conclusions of Law are unnecessary in decisions of motions under Rules 12 or 56 or any motion except as provided by Rule 41 (b).

Rule 76. Record on Appeal to a Court of Appeals; Agreed Statement.

When the questions presented by an appeal to a court of appeals can be determined without an examination of all the pleadings, evidence, and proceedings in the court below, the parties may prepare and sign a statement of the case showing how the questions arose and were decided in the

district court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the questions by the appellate court. The statement shall include a copy of the judgment appealed from, a copy of the notice of appeal with its filing date, and a concise statement of the points to be relied upon by the appellant. If the statement conforms to the truth, it, together with such additions as the court may consider necessary fully to present the questions raised by the appeal, shall be approved by the district court and shall then be certified to the appellate court as the record on appeal. As amended, Dec. 29, 1948, effective Oct. 20, 1949.